

**SUMMIT COUNTY  
ORDINANCE NO. 706**

**SUMMIT RESEARCH PARK**

**PREAMBLE**

**WHEREAS**, this matter came before the Summit County Board of Commissioners [hereinafter "County Commission"] for consideration of a change in zone districts from Rural Residential and Hillside Stewardship to Community Commercial for the Summit Research Park, pursuant to an application submitted by Boyer Snyderville Junction, L.C.; and,

**WHEREAS**, the County Land Use Development and Management Act, U.C.A. Title 17, Chapter 27a, Part 5 (1953), as amended, as well as the Snyderville Basin Development Code (Summit County Code, Title 10) provide the County Commission with the statutory authority to rezone the Summit Research Park; and,

**WHEREAS**, Boyer Snyderville Junction, L.C. is the owner of the Summit Research Park, a property totaling approximately 89 acres at Kimball Junction; and,

**WHEREAS**, the Summit Research Park is directly adjacent to the Kimball Junction Town Center, which has high density retail commercial uses; and

**WHEREAS**, the opportunity for a rezone of the Summit Research Park to Community Commercial, which designates uses, residential densities, and development locations, and has as its purpose the allowance, at the discretion of Summit County, of flexibility in the use of land, densities, site layout, and project design based upon the best interest of the general health, safety, and welfare of County residents; and,

**WHEREAS**, the Summit County Code, § 10-3-8 provides for the use of an appropriate form of development agreement that addresses a more detailed level of design and site plan review which is necessary to implement the Community Commercial Zone District; and,

**WHEREAS**, the Snyderville Basin Planning Commission has held extensive public hearings and work sessions to consider the Summit Research Park application; and,

**ENTRY NO. 00860844**

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ALAN SPRIGGS, SUMMIT COUNTY RECORDER

FEE 0.00 BY SUMMIT COUNTY CLERK



**WHEREAS**, on November 12, 2008, the Snyderville Basin Planning Commission voted unanimously to recommend to the County Commission approval of the change in zoning from Rural Residential and Hillside Stewardship to Community Commercial; and,

**WHEREAS**, on November 19, 2008 the County Commission held a public hearing to receive public comment on the rezone application of Boyer Snyderville Junction, L.C.; due process having been afforded to all who participated; and,

**WHEREAS**, the County Commission heard presentations from Boyer Snyderville Junction, L.C. and planning staff on November 19<sup>th</sup> and December 3<sup>rd</sup>, 2008;

**NOW THEREFORE**, the County Legislative Body of the County of Summit, the State of Utah, ordains as follows:

**Section 1. Summit Research Park Community Commercial Zone Designation.**

The County Commission specifically finds that the Summit Research Park application satisfies the requirements for a zone change under the Snyderville Basin Development Code (Summit County Code, Title 10); and therefore, the Summit Research Park property, whose description is attached as Exhibit A hereto, shall be and is hereby re-zoned from Rural Residential and Hillside Stewardship to Community Commercial, subject to the negotiation of an appropriate form of a development agreement consistent with this Ordinance.

The rezoning to the Community Commercial designation allows for an appropriate level of flexibility on the part of Boyer Snyderville Junction, L.C., so long as the development authorized hereunder is undertaken in a manner that is consistent with community goals and objectives.

**Section 2. Development Agreement.**

The Summit Research Park Community Commercial Zone District shall be implemented through an appropriate form of a development agreement with Boyer Snyderville Junction, L.C. to define the terms and conditions for the development of the property. The agreement shall encompass the appropriate land uses and densities for each development area, and define site layout requirements, infrastructure design standards, primary road patterns, concurrency requirements, public facilities and amenities required to meet the needs of future residents, owners and tenants of the Summit Research Park and to ensure the completion of these improvements, phasing, and other related matters indicated in this Ordinance in a timely manner.

**Section 3. Permitted and Conditional Uses.**

a. The following shall be permitted uses within the Summit Research Park Community Commercial Zone District:

- Laboratories
- Offices
- Prototype production facilities related to research facilities and technology
- Sports medicine related uses, including research and treatment facilities (no hospital allowed)
- Incidental retail uses to support the Research Park, such as Restaurants or shops primarily for the convenience of employees or businesses at the Park
- Churches
- Utility facilities, Water lines, and Sewer lines

b. The following shall be conditional uses within the Summit Research Park Community Commercial Zone District:

- Offices and/or research facilities for outdoor product oriented companies
- Public Service Facilities
- Chamber Bureau Visitor's Center
- Transit Facilities

**Section 4. Miscellaneous Land Use Provisions.**

a. The moderate income housing as required by the Snyderville Basin Development Code (2004) shall be 139 Workforce Unit Equivalents, which units shall be affordable to those residents earning below 80% of the Average Median Income for Summit County. All moderate income housing shall be constructed in the initial phase of development within this zone district.

b. A Church Site is a permitted use for a church meetinghouse or other structure used for religious purposes, up to a 25,000 square foot building pad, a maximum steeple height of 85 feet, with up to 200 parking stalls. The Church Site shall be subject to final administrative approval by Summit County.

**Section 5. Conflict.**

In the event of any conflict between this Ordinance and any other Summit County ordinances or regulations, the provisions of this Ordinance shall be controlling.

**Section 6. Savings Clause.**

In the event one or more of the provisions of this Ordinance shall, for any reason, be held to be unenforceable or invalid in any respect under any applicable laws, such unenforceability or invalidity shall not affect any other provision; and in such an event, this Ordinance shall be construed as if such unenforceable or invalid provision had never been contained herein.

**Section 7. No Rights Created in Third Parties.**

This Ordinance is not intended to, nor shall it be construed to create any rights, claims, or causes of action in third parties.

**Section 8. Effective Date.**

This Ordinance shall become effective after publication of such in accordance with applicable State law.

**APPROVED, ADOPTED, AND PASSED and ordered published by the Summit County Board of Commissioners, this 10<sup>th</sup> day of December, 2008.**



**BOARD OF COUNTY COMMISSIONERS  
SUMMIT COUNTY, STATE OF UTAH**

By: *K. E. Woolstenhulme*  
**Chairman**

**Commissioner Woolstenhulme voted:**  
**Commissioner Richer voted:**  
**Commissioner Elliott voted:**

*Aye*  
*Aye*  
*Aye*

**ATTEST:**

*[Signature]*  
**County Clerk  
Summit County, Utah**

**APPROVED AS TO FORM:**

*[Signature]*  
**Deputy County Attorney  
Summit County, Utah**

# **EXHIBIT A**

## BOYER PARCEL

BEGINNING AT A POINT ON THE SECTION LINE, SAID POINT BEING SOUTH 00°01'25" EAST ALONG THE SECTION LINE 943.04 FEET FROM A FOUND BRASS CAP MONUMENT MARKING THE NORTHEAST CORNER OF SECTION 24, TOWNSHIP 1 SOUTH, RANGE 3 EAST, SALT LAKE BASE & MERIDIAN, AND RUNNING THENCE SOUTH 89°13'11" EAST 433.13 FEET TO A POINT ON THE WESTERLY LINE OF A PARCEL OF GROUND CONVEYED TO SUMMIT COUNTY UNDER SPECIAL WARRANTY DEED RECORDED MAY 22, 2008 AS ENTRY NO. 845125 IN BOOK 1931 AT PAGE 612 OF OFFICIAL RECORDS, THENCE ALONG SAID WESTERLY AND SOUTHERLY LINE OF SAID SUMMIT COUNTY PARCEL THE FOLLOWING (13) COURSES: (1) SOUTH 00°01'19" WEST 3.15 FEET, (2) SOUTH 85°30'27" EAST 10.33 FEET, (3) SOUTH 54°10'21" EAST 21.97 FEET, (4) SOUTH 44°21'57" EAST 7.62 FEET TO A POINT ON THE ARC OF A 93.50 FOOT NON TANGENT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 59°55'58" EAST), (5) SOUTHEASTERLY ALONG THE ARC OF SAID 93.50 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 72°35'50" A DISTANCE OF 118.47 FEET (CHORD BEARS SOUTH 66°21'57" EAST 110.70 FEET, (6) NORTH 77°06'12" EAST 1.51 FEET TO A POINT ON THE ARC OF A 132.00 FOOT NON TANGENT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 12°53'40" WEST), (7) NORTHEASTERLY ALONG THE ARC OF SAID 132.00 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 17°01'26" A DISTANCE OF 39.22 FEET (CHORD BEARS NORTH 68°35'37" EAST 39.08 FEET) TO A POINT ON THE ARC OF A 128.70 FOOT NON TANGENT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 29°55'03" EAST), (8) NORTHEASTERLY ALONG THE ARC OF SAID 128.70 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 10°43'29" A DISTANCE OF 24.09 FEET (CHORD BEARS NORTH 65°26'42" EAST 24.05 FEET), (9) NORTH 70°48'26" EAST 15.85 FEET TO A POINT OF CURVATURE, (10) NORTHEASTERLY ALONG THE ARC OF A 486.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 08°55'54" A DISTANCE OF 75.76 FEET (CHORD BEARS NORTH 75°16'24" EAST 75.68 FEET) TO A POINT OF COMPOUND CURVATURE, (11) SOUTHEASTERLY ALONG THE ARC OF A 19.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 36°32'55" A DISTANCE OF 12.12 FEET (CHORD BEARS SOUTH 81°59'04" EAST 11.92 FEET) TO A POINT ON THE ARC OF A 27.00 FOOT NON TANGENT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 26°17'02" EAST), (12) SOUTHEASTERLY ALONG THE ARC OF SAID 27.00 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 30°42'23" A DISTANCE OF 14.47 FEET (CHORD BEARS SOUTH 79°04'10" EAST 14.30 FEET), (13) NORTH 85°34'39" EAST 77.48 FEET; THENCE SOUTH 14°09'25" EAST 383.71 FEET; THENCE SOUTH 89°29'10" EAST 320.00 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF STATE HIGHWAY 248 (SR-224 PROJECT NO. 060(2)); THENCE SOUTH 00°30'50" WEST ALONG SAID WESTERLY RIGHT OF WAY LINE 500.10 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF OLYMPIC PARK ROAD; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING (6) COURSES: (1) SOUTH 45°13'13" WEST 20.98 FEET, (2) NORTH 89°44'53" WEST 497.12 FEET, (3) NORTH 44°48'43" WEST 42.46 FEET, (4) NORTH 89°46'02" WEST 80.00 FEET, (5) SOUTH 45°11'17" WEST 42.39 FEET, (6) SOUTH 00°08'36" WEST 106.00 FEET; THENCE WEST 261.39 FEET; THENCE NORTH 69°36'38" WEST 454.93 FEET; THENCE NORTH 82°37'29" WEST 233.26 FEET; THENCE NORTH 86°19'15" WEST 220.66 FEET; THENCE SOUTH 86°54'09" WEST 232.89 FEET; THENCE SOUTH 78°30'42" WEST 53.09 FEET; THENCE SOUTH 70°10'43" WEST 637.34 FEET; THENCE NORTH 28°37'26" WEST 11.22 FEET; THENCE NORTH 30°15'24" WEST 1013.17 FEET; THENCE NORTH 80°54'09" WEST 242.51 FEET; THENCE NORTH 48°17'46" WEST 190.47 FEET; THENCE NORTH 30°00'00" EAST 374.54 FEET; THENCE NORTH 29°36'00" EAST 56.16 FEET; THENCE NORTH 37°20'42" EAST 664.96 FEET; THENCE NORTH 25°32'15" EAST 383.64 FEET; THENCE NORTH 88°04'50" EAST 211.18 FEET; THENCE SOUTH 00°17'31" EAST 302.24 FEET; THENCE SOUTH 89°38'58" EAST 257.40 FEET; THENCE SOUTH 00°00'23" EAST 503.65 FEET; THENCE SOUTH 89°27'42" EAST 526.75 FEET; THENCE SOUTH 00°01'25" EAST 440.00 FEET; THENCE NORTH 89°58'35" EAST 420.00 FEET; THENCE SOUTH 89°29'40" EAST 144.31 FEET TO THE POINT OF BEGINNING.

CONTAINS: 3,846,900 SQ. FT. OR 88.313 ACRES